

1 (End of In Camera
2 testimony.)

3 MS. HAMIL: Q. Mr. McNeil, let's assume that
4 the percentage that appears at Exhibit -- Cross
5 Exhibit 45P is correct and that DS-1 and DS-3
6 loop installation service orders fallout at the
7 percentage noted therein.

8 A. Okay.

9 Q. Would you agree with me that your
10 testimony is based on an inaccurate view of SBC
11 OSS capability as they apply to DS-1 and DS-3
12 loop installation?

13 A. No, I would not.

14 MS. HAMIL: I have no further questions.
15 Thank you, your Honor.

16 JUDGE HAYNES: Do you want to move for --

17 MS. HAMIL: I do. I move for admission of A&T
18 Cross Exhibit 45P.

19 JUDGE HAYNES: Any objection?

20 MR. SULLIVAN: No objection.

21 JUDGE HAYNES: It's admitted.

22 Ms. Kuhn.

1 MS. KUHN: Yes.

2

3 CROSS EXAMINATION

4 BY

5 MS. KUHN:

6 Q. Good afternoon, Mr. McNeil.

7 A. Good afternoon.

8 Q. We'll try to get you out of here, because
9 it's Friday and basically Mr. Sullivan's probably
10 has a heritage to celebrate.

11 MR. SULLIVAN: Mr. Sullivan's heritage
12 celebration will wait until Friday.

13 MS. KUHN: Q. Do you happen to have copies of
14 Dr. Currie's Exhibit 19R and 20 in front of you?
15 If you don't have, I have them if I can approach
16 the witness.

17 JUDGE HAYNES: Uh-huh.

18 MR. SULLIVAN: I'll get it for him.

19 MS. KUHN: And for the record, while
20 Mr. Sullivan's locating those exhibits, I spoke
21 with Mr. Sullivan on break, and although these
22 are denoted as confidential based on the fact

1 that exhibits are confidential, KACS-1 and KACS-2
2 were not confidential. Regrettably we have
3 determined that all the rest are denoted
4 confidential. They shouldn't be.

5 JUDGE HAYNES: Do you have copies for me?

6 MR. SULLIVAN: The number that -- the
7 percentage that appears on each of them is
8 considered confidential.

9 MS. KUHN: So long as we don't state the
10 number outside the circled area, the other data
11 point listed on these are nonconfidential, right?

12 MS. SULLIVAN: Right.

13 MS. KUHN: Mr. McNeil, I'll bring them to the
14 Judge.

15 Does anyone else need copies of these?

16 I wouldn't mark these because
17 they are already.

18 JUDGE HAYNES: Thank you.

19 MS. KUHN: Q. So with the qualification that
20 you should not say the number outside the circle,
21 we can discuss any of the other numbers on these
22 two exhibits, KAC-19R and KAC-20R. I believe --

1 well, it's in. I believe you adopted the
2 Mitchell testimony; is that right?

3 A. I did.

4 Q. The Mitchell testimony at Page 7 you are
5 discussing flow through measurement. Is it fair
6 to state that you are the flow through and
7 fallout SME for purposes of who provided
8 information to
9 Dr. Currie?

10 A. Yes.

11 Q. Okay. Looking at the KAC-20R and KAC-20R
12 submissions in front of you, let's start with
13 19R. Is it fair to say that SBC has at times
14 achieved higher flow-through rates than the
15 number we are not going to discuss that's beside
16 the circle?

17 A. It would be, yes.

18 Q. And I guess -- how do you want me to
19 handle the fact that we're not suppose to say the
20 number, they're going to flow that something
21 about number? If I say that the public numbers
22 are greater or less than the circle number or is

1 that not a problem so long as we don't recite the
2 specific --

3 A. I'm not bothered by that.

4 Q. Would it be fair to say it's not a minute
5 difference, but, for instance, if you look at the
6 July 2001 time period the flow through rate for
7 Illinois PM 13.1 UNE loop rate is not
8 insignificantly greater than the number that is
9 listed next to the circled area of this exhibit?

10 A. It's not --

11 Q. Not insignificantly greater?

12 A. It's not insignificantly greater.

13 Q. And that just to be clear, the data point
14 we have just discussed for July 2001 is a
15 flow-through rate actually and achieved by SBC
16 Illinois is actual data?

17 A. Yes.

18 Q. If I could turn to KAC 20R, is it fair to
19 say if you look at data point that's roughly May
20 2003 again we see a flow-through rate that is
21 just under I guess 95 percent and that is not
22 insignificantly higher than the figure outside the

1 circled area of this exhibit?

2 A. True.

3 Q. And, again, this reflects a flow-through
4 rate achieved by SBC Illinois for UNE-P orders as
5 measured by Illinois performance measure 13.1 and
6 it is actual data?

7 A. It is.

8 Q. So you have actually achieved this
9 flow-through rate?

10 A. We have, yes.

11 Q. Let me take you back a couple of pages to
12 Page 5 of the Mitchell testimony. At Line 13
13 there's a question and answer that addresses why
14 not all requests are flow through eligible and
15 the answer beginning at roughly Line 15 indicates
16 that SBC evaluate premises (sic) on an ongoing
17 basis to determine the most economical basis to
18 provide service and improve its processes. Some
19 remain unmechanized because the company and its
20 customers are better served when their tasks are
21 performed manually. You are an OSS SME, correct?

22 A. Correct.

1 Q. Do you ever undertake periodic reviews of
2 available OSS technologies?

3 A. Our department does, yes. I personally do
4 not.

5 Q. Okay. But you are here to discuss today
6 why the OSS systems in place are, in fact,
7 forward looking; is that fair to say?

8 A. It would be a fair assessment, yes.

9 Q. But you are not someone who actually
10 studies what OSS is out there in the market and
11 available?

12 A. No.

13 Q. Do you have any knowledge what OSS is out
14 there in the market and available?

15 A. No, I don't.

16 Q. So your knowledge of OSS is limited to
17 actual OSS in SBC Illinois's network?

18 A. True. Yes.

19 Q. Is it fair to say that some of SBC's OSS
20 date back decades?

21 A. The OSS that I handle -- I think at this
22 point it would help to make a clarification that

1 the OSSs that I handle are the upfront
2 pre-ordering and ordering CLEC interfaces, which
3 are -- what I mean by that the OSSs that are used
4 by CLECs to submit their order. Okay. Those
5 back-end systems I believe you are referring to
6 are not within the scope of responsibilities of
7 my department.

8 Q. Okay. Are their systems of different
9 vintage within the systems that you specialize
10 in?

11 A. There are some which are, but they are not
12 older than say 1996-97 at the time.

13 Q. So they would be post-Telecommunications
14 Act systems?

15 A. Correct.

16 Q. Okay. Do you know if there's been any
17 development from 1996 to the present in the types
18 of system OSS that you are using for the umbrella
19 of activities you have just described as?

20 A. There have been changes, yes.

21 Q. Okay. If SBC Illinois were to construct
22 OSS for the purposes you are specialized in

1 today, would it incorporate the same technology
2 that's actually in the network?

3 A. I'm not sure I understand your question.

4 Q. If you were trying to set up an OSS system
5 to do what you do today, would it be exactly like
6 what guys do today?

7 A. If not exactly like, it would be
8 relatively similar.

9 Q. What kind of differences would that be?

10 A. I can't think of any offhand differences.
11 Our systems are fully integrated with our
12 back-end system.

13 Q. Okay. And you are not familiar with what
14 other technologies may have developed over time
15 that may be different than what you are using?

16 A. Personally, no.

17 Q. The portion of testimony I just
18 referenced, Lines 15 and on Page 5 of the
19 Mitchell direct, can you explain to me how SBC
20 evaluate its processes on an ongoing basis?

21 A. Several factors play into it, one of which
22 is volume of orders that we are receiving for

1 certain order types, the types of orders, the
2 types of changes and products that come through,
3 such as recently or in the last few years, line
4 splitting, which is a concept that we didn't have
5 when we first developed our OSS, things that we
6 have had to implement and code changes to
7 accommodate line splitting, as well as changes
8 suggested by our CLEC customers.

9 Q. Are there other variables that you
10 consider?

11 A. Of course, mandates by various commissions
12 play into the factor of whether the types of
13 changes that we're implementing.

14 Q. Any other factors?

15 A. Not that I can think of.

16 Q. Would the cost of new processes be
17 something you would consider?

18 A. Cost at what point?

19 Q. Just, you know, saying new technology was
20 requested by CLECs. Would the cost of
21 implementing that request be something SBC would
22 consider?

1 A. It does play into that, yes, but that is
2 not -- a limiting factor is the cost gets to
3 certain points we don't implement, no. It has to
4 be an economical decision, and what I mean by
5 that is the number of orders that we're seeing
6 for certain order types versus how much does it
7 cost to implement that versus having a service
8 rep do the work manually.

9 Q. Would it be fair to characterize what you
10 just described as a cost benefit analysis?

11 A. Yes.

12 Q. Okay. When you engage in that sort of
13 cost benefit analysis, do you assume benefits to
14 SBC?

15 A. Yes.

16 Q. And do you consider benefits to CLECs as a
17 variable in that decision?

18 A. Yes, we do.

19 Q. And you are sure about that?

20 A. My understanding is that we do.

21 Q. Can you quantify how you incorporate CLEC
22 benefits in your decisions about implementation

1 of process improvements?

2 A. I can't.

3 Q. Is this cost benefit analysis a
4 qualitative concept to you or quantitative kind
5 of concept?

6 A. I guess I don't understand what you are
7 asking.

8 Q. Let me ask my economist.

9 (A brief pause.)

10 When you assess the benefit, do you
11 try to put it into dollars or do you sort of look
12 at benefits in terms of enhanced efficiency to
13 make CLECs happy or this will reduce our -- you
14 know, are you looking at it purely on a dollar
15 basis or are you looking more broadly at benefits
16 that may not be directly related or directly
17 distilled into a dollar amount?

18 A. I think no matter how you look at it, it's
19 going to be put into a dollar amount.

20 Q. How do you factor in dollar benefits to
21 CLECs?

22 A. I don't. I don't know. If that's what

1 you are asking, I'm not an economist and I don't
2 perform analysis.

3 Q. So you think this is what's done but you
4 are not actually the person who does it?

5 A. I know that it is done. It is not done by
6 my department.

7 Q. Okay. Would it surprise you if SBC
8 witnesses have testified differently elsewhere?

9 MR. SULLIVAN: Objection. Testified on what
10 point?

11 MS. KUHN: On whether benefits to CLECs are
12 considered in this analysis.

13 THE WITNESS: I don't have any knowledge
14 whether they have or have not testified on the
15 subject.

16 MS. KUHN: Q. I'm not asking about your
17 knowledge. I'm asking if you would be surprised.

18 A. Again, I'm saying I don't have knowledge
19 whether they have testified or not, so I don't
20 know if I would be surprised or not.

21 Q. Let's say hypothetically a SBC witness has
22 testified to the contrary in another proceeding

1 elsewhere. Given that hypothetical, which you
2 don't have to believe is true or not, it's a
3 hypothetical, would it surprise you?

4 A. I can't -- I don't have any knowledge
5 whether they would. So if you are saying would
6 it surprise me, probably not, but I don't know
7 that.

8 Q. I think you are still struggling a little
9 bit with whether the hypothetical I've given you
10 is, in fact, true.

11 A. Your hypothetical.

12 MR. SULLIVAN: I'm going --

13 THE WITNESS: It's assumption.

14 MR. SULLIVAN: I'm going to object to the
15 question, because I really don't understand how
16 what relevance whether he would be surprised by
17 the fact stated in the hypothetical.

18 JUDGE HAYNES: Sustained.

19 MS. KUHN: Q. Okay. So you believe that CLEC
20 benefits are considered, but you can't tell me
21 how; is that fair to say?

22 A. That would be fair to say.

1 Q. And you are not the person who would
2 consider the CLEC benefits?

3 A. I'm not the person who does the analysis.

4 Q. You are not the person who investigates
5 the options that would be considered in terms of
6 implementing new technologies?

7 A. That is done by my department. I'm not
8 the person that does that.

9 Q. It's another variable that might be
10 considered increased efficiency?

11 A. It is.

12 Q. Okay. Is that something that falls under
13 your responsibility or would someone else be
14 making decisions on that basis? It's done within
15 my department but not by you?

16 A. But not by me.

17 Q. Are you aware of whether anyone in your
18 department was consulted regarding potential
19 process changes throughout the cost study period
20 dealt with in this proceeding?

21 A. I'm aware that they were consulted, yes.

22 Q. Were you a participant in those

1 discussions?

2 A. I was not.

3 MS. KUHN: That's it, Judge.

4 JUDGE HAYNES: Does staff have recross?

5 MR. FOSCO: No.

6 JUDGE HAYNES: Redirect?

7 MR. SULLIVAN: None.

8 JUDGE HAYNES: Great. I will see you tomorrow

9 morning at 9.

10 (Whereupon, the above

11 matter was adjourned,

12 to be continued to

13 March 17, 2004 at

14 9 o'clock a.m.)

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